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nment of Kerala
1976

Reg. No. KL/TV/12

KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XXI] Trivandrum, Wednesday, 15th December 1976 / 24th Agrahayana 1898 [No. 709

NOTICE

No. C4-102288/76. *11th December 1976.*

Whereas I am satisfied that the public place mentioned in Schedule-I below is required in connection with the launching of the Equatorial Sounding Rockets from the Launching Station at Pallithura in the Attipra Village of Trivandrum Taluk by the Space Research Division of the Department of Atomic Energy to the Government of India.

I, V. N. Rajan, Inspector-General of Police in exercise of the powers conferred upon as under section 24 of the Kerala Police Act, 1960 (Act V of 1961) hereby reserve temporarily the public place mentioned in Schedule-II and prohibit persons from entering the area so reserved save under conditions as may be prescribed by me.

Schedule—I

PLACE OF LAUNCHING:

The Rocket will be fired from the launcher on a pad at Pallithura near Trivandrum on the West Coast of India.

33/4658/MC.

FIRING SCHEDULE:

Date	Danger Time (I. S. T.)	Rocket Type	Pay-load
15-12-1976 or 16-12-1976	1930—2330 hrs. (both days)	M-100B	Met

LAUNCHER CO-ORDINATES:

Latitude	8° 32′ 34″ N
Longitude	76° 51′ 32″ E

FIRING DIRECTION:

Azimuth	(Effective)	235°
Elevation	(„)	83°

Schedule—II

DANGER ZONES:

1. A sector of radius 5 NM from launcher between azimuth angles 190 and 300 deg.
2. A sector of radii 15 NM and 50 NM from launcher between azimuth angles 220 and 260 deg.

All types of Aircraft, Shipping Boats etc., especially Fishing Boats of all description are warned to keep clear the Danger Zones mentioned above.

Office of the Inspector-General of Police,
Kerala State, Trivandrum-10.

V. N. RAJAN,
Inspector-General of Police.

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TRIVANDRUM, 1976.

Government of Kerala
1976

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Vol. XXI] Trivandrum, Wednesday, 15th December 1976 / 24th Agrahayana 1898 [No. 710

SECRETARIAT OF THE KERALA LEGISLATURE

NOTIFICATION

No. 10402/LA4/76. *Dated, Trivandrum, 15th December 1976.*

The Kerala Tolls Bill, 1976 together with the Statement of Objects and Reasons, the Financial Memorandum and the Memorandum regarding Delegated Legislation is published, under Rule 69 of the Rules of Procedure and Conduct of Business in the Kerala Legislative Assembly.

Dr. R. PRASANNAN,

Secretary
Legislative Assembly.

PRINTED AND PUBLISHED BY THE S.G.P. AT THE GOVERNMENT PRESS, TRIVANDRUM, 1976.

Fourth Kerala Legislative Assembly
Bill No. 284

THE KERALA TOLLS BILL, 1976

A

BILL

to provide for the levy of tolls in respect of certain bridges in the State of Kerala.

Preamble.—WHEREAS it is expedient to provide for the levy of tolls in respect of certain bridges in the State of Kerala;

BE it enacted in the Twenty-seventh Year of the Republic of India as follows:—

1. *Short title, extent and commencement.*—

(1) This Act may be called the Kerala Tolls Act, 1976.

(2) It extends to the whole of the State of Kerala.

(3) It shall come into force on such date as the Government may, by notification in the Gazette, appoint.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(a) "bridge" means any bridge on a highway, but does not include a bridge the cost of construction of which (including the cost of construction of the approach roads necessary for connecting the bridge to the highway) is less than fifteen lakhs rupees;

(b) "highway" means any road or way over which the public have a right of way, or are granted access, but does not include any highway declared to be a national highway under the National Highways Act, 1956 (Central Act 48 of 1956);

(c) "motor vehicle" means any mechanically propelled vehicle adapted for use upon roads whether the power of propulsion is transmitted thereto from any external or internal source and includes a chassis to which a body has not been attached and a trailer;

(d) "owner" means where the person in possession of a vehicle is a minor, the guardian of such minor and in relation to a vehicle which is the subject of a hire-purchase agreement, the person in possession of the vehicle under that agreement;

(e) "prescribed" means prescribed by rules made under this Act;

(f) "toll" means the toll levied under this Act.

3. *Levy of toll.*—(1) The Government may levy a toll on every motor vehicle entering a bridge constructed wholly or partly at the expense of the Government and declared open for traffic after the 1st day of January, 1976.

(2) The toll shall be levied at such rate and for such period as the Government may, by notification in the Gazette, declare to be necessary for the recovery of the amounts expended upon such bridge by the Government, or such portion thereof as may be decided by the Government, together with interest at such rate as they may fix.

(3) The Government may place the collection of the toll under the management of such person as may appear to them proper; and all persons employed in the management and collection of the toll shall be liable to the same responsibilities as would belong to them if employed in the collection of basic tax.

Explanation.—In this sub-section 'basic tax' means the basic tax payable under the Kerala Land Tax Act, 1961.

(4) The Government may farm out the collection of the toll and in such a case the farmer and his agents and servants shall be deemed to be persons appointed to collect the toll under this Act.

4. *Recovery of toll.*—(1) Where any toll is not paid on demand, the officer appointed to collect the same shall seize any motor vehicle on which it is chargeable or any goods carried by such motor vehicle and if the toll remains unpaid for twenty-four hours with the cost arising from such seizure, the case shall be brought before an officer appointed by the Government by notification in the Gazette, to superintend the collection of the toll.

(2) Where a case is brought before an officer under sub-section (1), he may sell the property seized for discharge of the toll and all expenses occasioned by such non-payment, seizure and sale of the property in public auction, and any balance that may remain after such discharge shall be returned on demand to the owner of the motor vehicle or goods, as the case may be:

Provided that if at any time before the sale has actually begun, the person whose property has been seized tenders the amount of all the expenses incurred and double the toll payable by him, the property seized shall forthwith be released.

5. *Exemption.*—No toll shall be payable for the passage of any motor vehicle belonging to the Government of Kerala or the Government of India.

6. *Assistance by Police Officers.*—All police officers shall be bound to assist the toll collectors when required, in the execution of this Act, and for that purpose shall have the same power which they have in the exercise of their ordinary police duties.

7. *Power to compound tolls.*—Any person entrusted with the management and collection of the toll may compound for any period not exceeding one year with any person for a certain sum to be paid by such person for himself or for any motor vehicle kept by him, in lieu of the rates of toll authorised to be levied under this Act, subject to such conditions and restrictions as may be prescribed.

8. *Penalties.*—(1) Every person, other than any person appointed to collect toll, who levies or demands any toll on any bridge, shall, on conviction by a Magistrate, be liable to imprisonment for a term which may extend to six months, or with fine which may extend to two hundred rupees, or with both.

(2) Every person who unlawfully demands or takes any other or higher toll than the lawful toll, or under the colour of this Act seizes or sells any property knowing such seizure or sale to be unlawful, or in any manner unlawfully extorts money or any valuable thing from any person under colour of this Act, shall, on conviction by a Magistrate, be liable to imprisonment for a term which may extend to six months, or with fine which may extend to two hundred rupees or with both.

(3) Whoever—

(a) attempts to cross any bridge without paying the toll payable by him under this Act;

(b) obstructs any officer or other person in the discharge of his duties imposed by or under this Act,

shall, on conviction by a Magistrate, be liable to a fine which may extend to one hundred rupees.

(4) No Magistrate shall take cognisance of any offence under this Act except on a complaint in writing made by an officer authorised by the Government in this behalf.

9. *Exhibition of table of tolls and statement of penalties.*—A table of the tolls authorised to be taken in respect of a bridge shall be put up in a conspicuous place near the entrance to such bridge legibly written or printed in English words and figures and also in those of the regional language.

10. *Bar to proceedings.*—No suit, prosecution or other legal proceedings shall lie against any officer or other person for anything which is in good faith done or intended to be done under this Act.

11. *Power to make rules.*—(1) The Government may, by notification in the Gazette, make rules for the purpose of carrying into effect the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for,—

(a) determination of the rate of levy of the toll;

(b) method of collection of the toll;

(c) any other matter which has to be or may be prescribed.

(3) Every rule made under this Act shall be laid, as soon as may be after it is made before the Legislative Assembly for a period of fourteen days which may be comprised in one session or in two successive sessions and if before the expiry of the session in which it is so laid or the session immediately following, the Legislative Assembly makes any modification in the rule or decides that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

12. *Establishment of Bridges and Roads Fund and its utilisation.*—(1) On the commencement of this Act, there shall be established a fund to be called the Kerala State Bridges and Roads Fund (hereinafter in this section referred to as the Bridges and Roads Fund).

(2) The proceeds of the toll levied and collected under this Act together with the fines, interest and fees recovered thereunder shall first be credited to the Consolidated Fund of the State and, after deducting the expenses of collection and recovery as determined by the Government, the remaining amount shall, under appropriation duly made by law in this behalf be entered into and transferred to the Bridges and Roads Fund.

(3) Any amount transferred to the Bridges and Roads Fund shall be charged on the Consolidated Fund of the State.

(4) No sum shall be paid or applied from and out of the Bridges and Roads Fund except in the manner and for the purposes provided in sub-sections (5) and (6).

(5) The amount standing to the credit of the Bridges and Roads Fund shall be expended in such manner and subject to such conditions as may be prescribed for the purpose of constructing bridges and roads.

(6) The Bridges and Roads Fund shall be held and administered on behalf of the Government by the Chief Engineer in charge of Roads and Bridges in the State subject to such general or special direction as may be given by the Government from time to time.

13. *Power to remove difficulties.*—If any difficulty arises in giving effect to the provisions of this Act, the Government may, as occasion may require by order do anything not inconsistent with the provisions of this Act, which appears to them necessary for the purpose of removing the difficulty.

STATEMENT OF OBJECTS AND REASONS

A large number of bridges have necessarily to be constructed in the State to meet compelling public demands from all over the State. But due to financial stringency it is found impossible even to complete the works already taken up. At present there are about 345 budgeted items of works. The estimated cost for all these works is about Rs. 12 crores. The amount provided in the budget for 1976-77 for these works is only about Re. 1 crore. Due to shortage of funds, the progress of work is not satisfactory. It has also been found difficult to take up new works.

2. As a measure of additional resource mobilisation which will eventually facilitate larger outlays on bridges, it is proposed to levy a toll on motor vehicles passing through major bridges, the cost of which is Rs. 15 lakhs or more commissioned after the 1st January, 1976.

3. The Bill is intended to achieve the above object.

FINANCIAL MEMORANDUM

The Bill provides for the levy of tolls on motor vehicles passing through major bridges commissioned after the 1st January, 1976.

2. The intention is to auction the right to collect the toll. As such no expenditure by way of establishment charges is anticipated. But in cases where auction is not possible, tolls may have to be collected by Government direct. In such cases toll collectors will have to be posted. It is not now possible to estimate the total number of bridges in respect of which tolls will have to be collected and the number of bridges in respect of which toll collection will have to be made by Government direct. Therefore, the expenditure on this account cannot be estimated with any degree of accuracy.

3. In addition to the above, charges on account of publication of auction notices are also anticipated. The exact amount on that account cannot be estimated now.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Sub-clause (3) of clause 1 of the Bill seeks to empower the Government to bring the Act into force on a date to be notified in the Gazette.

Sub-clause (1) of clause 3 seeks to empower the Government to levy a toll on every motor vehicle entering a bridge constructed wholly or partly at the expense of the Government and declared open for traffic after the 1st day of January, 1976. Under sub-clause (2) of the said clause, the toll shall be levied at such rate and for such period as the Government may, by

notification in the Gazette, declare to be necessary for the recovery of the amounts expended upon such bridge by the Government, or such portion thereof as may be decided by the Government, together with interest at such rate as they may fix. Sub-clause (3) of the clause seeks to empower the Government to place the collection of the toll under the management of such person as they think fit and sub-clause (4) seeks to empower the Government to farm out the collection of the toll.

Sub-clause (1) of clause 4 seeks to empower the Government to appoint an officer to superintendent the collection of the toll.

Clause 7 seeks to empower the Government to prescribe the conditions and restrictions subject to which any person entrusted with the management and collection of the toll may compound for any period not exceeding one year with any person for a certain sum to be paid by such person for himself or for any motor vehicle kept by him, in lieu of the rates of toll authorised to be levied under the Act.

Sub-clause (4) of clause 8 seeks to provide that no Magistrate shall take cognisance of any offence under the Act except on a complaint in writing made by an officer authorised by the Government in this behalf.

Clause 11 seeks to empower the Government to make rules for the purpose of carrying into effect the provisions of the Act. The matters in respect of which rules may be made include the determination of the rate of levy of the toll, the method of collection of the toll and any other matter which has to be or may be prescribed.

Sub-clause (2) of clause 12 seeks to empower the Government to determine the expenses of collection and recovery of tolls, fines, interest and fees which have to be deducted for the purposes of the said sub-clause. Sub-clause (5) of that clause seeks to empower the Government to prescribe the manner in which and the conditions subject to which the amount standing to the credit of the Bridges and Roads Fund shall be expended for the purpose of constructing bridges and roads. Sub-clause (6) seeks to provide that the Bridges and Roads Fund shall be held and administered on behalf of the Government by the Chief Engineer-in-charge of Roads and Bridges subject to such general or special direction as may be given by the Government from time to time.

Clause 13 seeks to empower the Government to issue orders, not inconsistent with the provisions of the Act, for the purpose of removing difficulties which may arise in giving effect to the provisions of the Act.

The powers proposed to be delegated to the Government by the above provisions relate to matters of procedure or detail or matters of administrative nature. Moreover, the rules made under the Act are subject to scrutiny by the Legislative Assembly. The delegation of legislative power is thus of a normal character.

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Government of Kerala
1976

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SECRETARIAT OF THE KERALA LEGISLATURE

NOTIFICATION

No. 10361/LA. 1/76 *Dated, Trivandrum, 15th December 1976*

Shri K. M. George, an elected member of the Kerala Legislative Assembly from the Poonjar Assembly constituency died on December 11, 1976.

പൂഞ്ഞാർ അസംബ്ലി നിയോജകമണ്ഡലത്തിൽ നിന്നും കേരള നിയമസഭയിലേക്ക് തിരഞ്ഞെടുക്കപ്പെട്ട മെമ്പറായ ശ്രീ. കെ. എം. ജോർജ് 1976 ഡിസംബർ 11-ാം തീയതി ചരമം പ്രാപിച്ചിരിക്കുന്നു.

DR. R. PRASANNAN,
Secretary,
Legislative Assembly.

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33/4663/MC.

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GOVERNMENT OF KERALA

Public Works (Transport C) Department

ORDER

G. O. (P) 271/76/PW. *Dated, Trivandrum, 16th December 1976.*

Read:—1. G. O. (P) 225/76/PW dated 5-10-1976.
2. G.O. (Rt) 7086/76/PD dated 30-11-1976.
3. G. O. (Rt) 7319/76/PD dated 10-12-1976.

S. R. O. No. 1282/76.—In exercise of the powers conferred by Sub-section (2) of Section 44 of the Motor Vehicles Act, 1939 (Central Act 4 of 1939) and in supersession of the Government Order read as first paper above and published as S. R. O. No. 1012/76 in the Kerala Gazette Extraordinary No. 552 dated the 5th October 1976 the Government of Kerala hereby appoint Sri C. K. Kochukoshy, Member, Board of Revenue as Chairman, State Transport Authority and Ex-Officio Transport Commissioner.

By order of the Governor,

T. V. SWAMINATHAN,
Special Secretary to Government.

33/4669/MC.

Explanatory Note

(This is not part of the notification, but is intended to explain the main purport).

In G. O. (P) 225/76/PW dated 5-10-1976 orders were issued appointing Sri S. Anantakrishnan, First Member, Board of Revenue as the Chairman, State Transport Authority and the Ex-Officio Transport Commissioner. Sri S. Anantakrishnan has since been appointed as the Additional Chief Secretary as per G. O. (Rt) 7086/76/PD dated 30-11-1976. Now it is ordered that Sri C. K. Kochukoshy, Member, Board of Revenue will hold charge of the post of First Member, Board of Revenue and function as Transport Commissioner. As such orders have to be issued appointing Sri C. K. Kochukoshy as the Chairman, State Transport Authority and the Ex-Officio Transport Commissioner. The order is to serve the purpose.

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